

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

-----X  
JAMES P. SCHIAVONE,

CV.22-5894

**NOTICE OF REMOVAL**

Plaintiff,

-against-

ANTHONY WILECZEK and  
CAMPBELL'S AUTO EXPRESS, INC.,

Defendants.  
-----X

**REMOVAL PETITION**

To the Honorable Judges of the United States District Court for the Southern District of New York, the defendants, ANTHONY WILECZEK and CAMPBELL'S AUTO EXPRESS, INC. by their attorneys, Connors & Connors, P.C., state the following upon information and belief:

1. That ANTHONY WILECZEK, is a defendant in the above-entitled action.
2. That CAMPBELL'S AUTO EXPRESS, INC. is a defendant in the above-entitled action.
3. That on March 10, 2022, this action was commenced against ANTHONY WILECZEK and CAMPBELL'S AUTO EXPRESS, INC. in the Supreme Court of the State of New York, Westchester County, and is now pending.
4. The action is captioned:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X Index No. 57529/2022  
JAMES P. SCHIAVONE,

Plaintiff,

-against-

ANTHONY WILECZEK and  
CAMPBELL'S AUTO EXPRESS, INC.,

Defendants.  
-----X

5. Plaintiff alleges to have sustained injuries as a result of a motor vehicle accident which occurred on January 27, 2022.
6. A copy of the Summons and Complaint is annexed as **Exhibit A**.
7. A copy of the Verified Answer filed by ANTHONY WILECZEK and CAMPBELL'S AUTO EXPRESS, INC. is annexed as **Exhibit B**.
8. On June 10, 2022, a Demand for Statement of Damages was served on plaintiff's counsel, a copy of which is annexed as **Exhibit C**.
9. On June 21, 2022, a correspondence was served upon plaintiff's counsel indicating defendants' intention to file a notice of removal in the event plaintiff advises in writing that the amount in controversy exceeds \$75,000. A copy of defendants' letter is annexed as **Exhibit D**.
10. Plaintiff responded in a correspondence dated July 7, 2022 stating, "it is curious that you seek a statement as to whether the plaintiff is seeking damages in excess of \$75,000" and that "it strains credulity to think that it could not be determined whether this case exceeds \$75,000, considering the nature of the injuries communicated to the adjuster before you were retained, and your experience in this field." A copy of plaintiff's letter is annexed as **Exhibit E**.
11. In his Verified Bill of Particulars, dated July 6, 2022, plaintiff further alleges a Workers' Compensation lien totaling \$135,561.66 as of June 21, 2022. A copy of plaintiff's Bill of Particulars is annexed as **Exhibit F**.
12. No further proceedings have been had in the Supreme Court of the State of New York, Westchester County.
13. That defendants are now filing this Notice of Removal within 30 days of plaintiff responding in writing that the plaintiff's claim allegedly has a value in excess of \$75,000.00.
14. It is respectfully submitted that diversity of citizenship exists amongst the parties.
15. At the time the Complaint was filed, JAMES P. SCHIAVONE was a resident of the State of New York.

16. At the time the Complaint was filed, ANTHONY WILECZEK was a resident of the State of New Jersey.


17. At the time the Complaint was filed, CAMPBELL'S AUTO EXPRESS, INC. was a corporation duly organized and existing under and by virtue of the laws of the State of New Jersey.

18. This is an action for damages for personal injury resulting from the alleged negligence of the defendants.

19. This Honorable Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332 and the action may therefore be removed to this Honorable Court pursuant to 28 U.S.C. §1441.

WHEREFORE, defendants ANTHONY WILECZEK and CAMPBELL'S AUTO EXPRESS, INC., pray that the above-entitled action now pending against them in the Supreme Court of the State of New York, County of Westchester, be removed to this Honorable Court.

Dated: Staten Island, New York  
July 11, 2022

  
CONNORS & CONNORS, P.C.  
Attorneys for Defendants  
ANTHONY WILECZEK and  
CAMPBELL'S AUTO EXPRESS, INC.  
766 Castleton Avenue  
Staten Island, NY 10310  
718-442-1700  
File No. DNJ27653

TO: PETER J. SAGHIR, ESQ.  
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF  
Attorneys for Plaintiff  
80 Pine Street, 34<sup>th</sup> Floor  
New York, NY 10005  
(212) 943-1090

**CERTIFICATE OF SERVICE**

I, JOHN P. CONNORS, JR., hereby certify that a copy of the foregoing, **NOTICE OF REMOVAL**, was mailed by first class mail, postage prepaid, this 11<sup>th</sup> day of July, 2022 to all counsel of record as indicated below.



JOHN P. CONNORS, JR. (6514)

TO: PETER J. SAGHIR, ESQ.  
GAIR, GAIR, CONASON, RUBINOWITZ, BLOOM,  
HERSHENHORN, STEIGMAN & MACKAUF  
Attorneys for Plaintiff  
80 Pine Street, 34<sup>th</sup> Floor  
New York, NY 10005  
(212) 943-1090



Index No. CV. 22-5894 Hon.  
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- against -

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Defendants.

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**NOTICE OF REMOVAL**

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CONNORS & CONNORS, P.C

*Attorneys for Defendants – Anthony Wileczek and Campbell's Auto Express, Inc.*

*Office and Post Office Address, Telephone*

766 Castleton Avenue

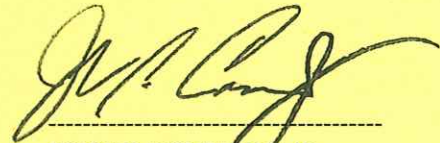
Staten Island, New York 10310

(718) 442-1700 PHONE

(718) 273-5196 FAX

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Signature (Rule 130-1.1-a)



JOHN P. CONNORS, JR.

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Service of a copy of the within  
Dated,

is hereby admitted,

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Attorney(s) for

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Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order of which the within is a true copy will be presented for settlement to the HON.

one of the judges of the within named court, at

on

at

Dated:

Yours, etc.,

CONNORS & CONNORS, P.C.

*Attorneys for Defendants*

*Office and Post Office Address*

766 CASTLETON AVENUE

STATEN ISLAND, NY 10310

To